

MINUTES
Town of Crested Butte
Regular Town Council Meeting
Monday, October 16, 2017
Council Chambers, Crested Butte Town Hall

Mayor Pro Tem Mason called the meeting to order at 7:00PM.

Council Members Present: Jim Schmidt, Jackson Petito, Chris Ladoulis, Laura Mitchell, and Paul Merck

Staff Present: Town Manager Dara MacDonald, Town Attorney Barbara Green, and Community Development Director Michael Yerman

Public Works Director Rodney Due, Finance Director Lois Rozman, Parks and Recreation Director Janna Hansen, Chief Marshal Mike Reily, and Town Clerk Lynelle Stanford (for part of the meeting)

APPROVAL OF AGENDA

Ladoulis proposed a resolution to include on the agenda to be considered prior to the Executive Session. Mason questioned if they could vote on the resolution since it had not been noticed. Green stated that under open meetings law there were no cases that said if it's not been noticed on the agenda it could not be voted upon. The Court interpreted the statute to mean that if the agenda could be put together and all the items were known at the time of posting, they had to (notice). There were no cases directly linked that determined if they could act on an item. Ladoulis affirmed the resolution came together after further research, and it was not intentionally excluded from the agenda. The resolution was not substantially different from the letter the Council directed Staff to draft and send, and it was a different way to memorialize. Ladoulis suggested they could cover as a conversation topic under Other Business. The Council would discuss what Ladoulis brought forth and from there they would decide what to do. Green pointed out the Executive Session was noticed for the reason to include Brush Creek. Ladoulis would explain background during Other Business.

Merck moved and Petito seconded a motion to approve the agenda with the addition of discussion of Resolution No. 65, Series 2017 presented by Chris Ladoulis under Other Business. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

CONSENT AGENDA

1) October 2, 2017 Regular Town Council Meeting Minutes.

2) Letter to Scott Armentrout, Grand Mesa Uncompahgre and Gunnison (GMUG) National Forest Supervisor, Outlining Town of Crested Butte interests in Forest Plan Revision.

Both Schmidt and Petito commented on the excellent letter to the Forest Service.

Schmidt moved and Merck seconded a motion to approve the Consent Agenda. A roll call vote was taken with all voting, “Yes.” **Motion passed unanimously.**

PUBLIC COMMENT

Kent Cowherd

- Voiced his observations on how the Brush Creek Proposal did not fit the Gunnison County LUR or the Housing Needs Assessment. He also referred to the website for the Corner at Brush Creek.
- He listed problems with the Brush Creek Proposal, such as no ownership opportunities.
- The rental affordable housing solution only allowed a limited number of units to specific income levels.
- It could increase unattainable price offerings already experienced by locals.
- Cited needs identified by the Housing Needs Assessment.
- He read definitions from the Gunnison County LUR for words such as sprawl and locational standards.
- Proposed land uses should not affect tranquility of nearby areas nor should they have adverse uses.
- Mason suggested to Cowherd that he bring his points forward to the County.

STAFF UPDATES

Lynelle Stanford

- Informed the Council that ballots would be mailed early this week.
- The first deadline for filing campaign finance forms would be tomorrow at 5PM.
- Was working with the library to have a Little Library located at the Transit Center.
- Boomtown LLC was transferring their dispensary permit to Durango Organics LLP. The transfer would be set for public hearing in front of the Council as soon as the State issued conditional approval.
- A consultant would be at Town Hall starting next week to advise on the master records project.

Mike Reily

- The Marshals handled two time-intensive incidents associated with Vinotok, but the event went surprisingly well overall.
- There were a few points on traffic control related to the Emma Coburn 5K that they learned at the event, which could be refined for next year.

Michael Yerman

- He introduced the new Town Planner, Bob Nevins.
- Reminded the Council of the County Planning Commission's meeting on the Brush Creek Proposal on Friday at 9AM. There would be a site visit on that day as well.

Lois Rozman

- Sales tax was up 4% in August and 5% YTD.

Rodney Due

- The Transit Center could be done by November 16th. The tile needed to be finished, and there had been delays.
- United had to hire another concrete contractor to finish the lot at the Fire Hall. Weather permitting it would be done Friday. He hoped the alley would be poured and formed this week as well.
- They were working at the Four Way in between other projects. Schmidt questioned the land trade. MacDonald explained that the resident left her attorney. Staff would be meeting with her to determine the trade. Work that had been done was entirely on Town property.

Janna Hansen

- Filled the Recreation Supervisor position. Joey Carpenter started last week.
- A week from Friday would be the last day for seasonal staff.
- They were asking people to move items from rights of way in preparation for winter.

Dara MacDonald

- The Poverty Gulch unit was advertised, and there was no one who applied for the ADA unit. It was now being offered for sale to a Town employee. The first reading of the ordinance for its disposition would be on the next agenda.
- The purchase of McCormick Ditch had been settled.
- They had a meeting set with Gary Gates for Thursday of this week. Staff would be sending a letter to parties of the MOA affirming that deed restrictions should be set before the sale.

PUBLIC HEARING

1) Ordinance No. 27, Series 2017 - An Ordinance of the Crested Butte Town Council Approving the Lease of the Portion of the Property at 308 Third Street to the Crested Butte Fire Protection District.

Mason opened the public hearing and confirmed proper public notice had been given. He reminded the Council that they saw the ordinance at the last meeting. Mason opened the meeting to public comment. No one who was present wanted to comment, and the public hearing was closed. There was no further Council discussion.

Schmidt moved and Merck seconded a motion to approve Ordinance No. 27, Series 2017. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

2) Ordinance No. 28, Series 2017 - An Ordinance of the Crested Butte Town Council Approving the Lease of the Portion of the Property at 308 Third Street to the Crested Butte Land Trust.

Mason confirmed proper public notice had been given. He opened the public hearing. There were no comments from the public, and there was no Council discussion.

Merck moved and Mitchell seconded a motion to pass Ordinance No. 28, Series 2017. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

3) Ordinance No. 29, Series 2017- An Ordinance of the Crested Butte Town Council Approving the Lease of the Portion of the Property at 308 Third Street to Windsor Refrigeration.

Mason confirmed proper public notice had been given. The public hearing was opened. There was no one who wanted to comment, and Mason closed the public hearing. There was no Council discussion.

Merck moved and Petito seconded a motion to pass Ordinance No. 29, Series 2017. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

4) Ordinance No. 30, Series 2017 - An Ordinance of the Crested Butte Town Council Approving the Lease of the Portion of the Property at 308 Third Street to Leslie Locklear.

Mason confirmed proper public notice had been given, and the public hearing was opened. There was no one present who wanted to comment. The public hearing was closed. There was no Council discussion.

Mitchell moved and Merck seconded a motion to approve Ordinance No. 30, Series 2017. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

5) Resolution No. 61, Series 2017 - A Resolution of the Crested Butte Town Council Approving the Continued Operation of Snow Machines for Rubber-Track Snow Cat Machines, the Designated Route and the Restrictions of Operations.

Stanford said proper public notice had been given, and Mason opened the meeting to public comment.

Alan Bernholtz - 416 Sopris

- (Irwin had been) operating the Tucker in Town for eight years.
- He recalled hiccups in the beginning and that there had been comments from the public.

- He requested that they could make this process one for administrative review.
- They were struggling with the return time of 9PM. He wanted the Council to discuss allowing snow cats to travel through Town at a later time in the evening, as late as 11PM. They had a new vehicle that was quieter than the other.
- He thanked the Council for their service.

Mason closed the meeting to public comment.

Schmidt acknowledged that the time that snow cats were allowed to travel was in the Town Code. Mason had not heard concerns of issues on Whiterock, and he thought changing the process to an administrative approval made sense. Mitchell identified that busses ran later than 9PM. Mason was okay changing the time, but he wanted to give people on Whiterock the notification the change would be coming. Bernholtz said his request would cause them to be on the same timing as the busses, but it would not be on the exact same route. He reached out to people, and they would continue to pursue notification.

Mason reopened public comment to take comments from the Nordic Center.

Christie Hicks, Executive Director

- Suggested an amendment to the resolution to clarify the difference between rubber tracked snow cat routes and Nordic routes.
- In her proposed resolution, the route for rubber-tracked snow cats was separated from the section describing the Nordic Center's route.
- Voiced concern that any rubber tracked snow cat could travel on Nordic routes.

MacDonald stated the resolution was all encompassing, and the permits designated specific routes. There was discussion on the changes that had been requested by Bernholtz and that they would need to be made by ordinance.

Schmidt moved and Merck seconded a motion to pass Resolution No. 61, Series 2017. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

NEW BUSINESS

1) Presentation on Recommendations by the Parking Committee.

Town Planner, Bob Nevins, presented on the recommendations for parking management from the committee. He reviewed the reasons the committee was organized and the topics that were considered. Nevins listed the members of the committee. He presented a slide that outlined the goals of the community and the project. The findings were: 1) they could not build their way out of the problem; and 2) to solve the parking issues, they needed to change user behavior.

One recommendation from the committee was that Elk Avenue was working as is. Secondly, the committee suggested they issue a request for proposals (RFP) to develop an

integrated parking management program. Nevins reviewed costs that would need to be allocated. Yerman clarified that funds were included within the budget for next year for the public process and that the website was important for the public. There was discussion on the costs and what the costs were for. Schmidt questioned the bias that could affect the consultant's recommendations. Ladoulis didn't think they should issue a RFP if they didn't want to move forward with a parking management program. Yerman recognized it would take a lot of public outreach, and he provided perspective on the cost. Schmidt wanted it to be easy to park. Ladoulis countered that easy parking made it more attractive for people to drive their vehicles. Schmidt was having a problem with making something more difficult. Mason acknowledged that he heard that both communities needed to be on board.

Next, Nevins addressed winter parking regulations and improving clarity on street signs to reduce ticketing and towing of vehicles to enable snow removal operations. He showed slides with examples of signs reflecting winter parking regulations. Other recommendations were to pave and stripe existing parking areas and to paint curbs yellow at certain intersections. They would also paint the word stop on streets. The recommendations were directed at easing and/or solving the current parking issues in Town by effectively utilizing the existing parking supply, current staffing, and existing budgetary resources. Nevins said they were approaching the plan collaboratively with other communities. They were looking how to manage what Town had with a program that fit the community.

Mitchell thought the Four Way would be the one place people could go to park and not pay. Ladoulis reported that the committee was open to letting it evolve. Yerman recognized there was ability to make revenue or subsidize through the general fund. Merck questioned the mention of parking structures. Nevins said they were developing and creating a flexible and dynamic program to manage current resources. Petito wanted to get people out of their cars. He was uncomfortable with the license plate reading car. It was a flexible and modular plan, and they needed a lot of public input. Schmidt agreed it needed to be fleshed out. He was okay moving ahead, but they needed several major Town meetings. Mason agreed that a year to put the plan together made a lot of sense. Ladoulis said the committee raised all of the permutations for Elk Avenue. Schmidt liked the new signs for winter parking regulations. MacDonald pointed out the funding was in the draft budget.

Schmidt moved and Petito seconded a motion to allocate funding as outlined above in the Parking Committee's recommendations for the 2018 budget. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

2) Resolution No. 62, Series 2017 - A Resolution of the Crested Butte Town Council Adopting Certain Fees and Charges for the Fiscal Year 2018.

Mason reminded the Council they were presented with the fee schedule. There was no further Council discussion.

Merck moved and Ladoulis seconded a motion to pass Resolution No. 62, Series 2017. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

3) Resolution No. 63, Series 2017 - A Resolution of the Crested Butte Town Council Adopting the Mill Levy for the Town of Crested Butte, Colorado for the Fiscal Year 2018, Beginning the First Day of January 2018 and Ending the Last Day of December 2018.

Merck moved and Mitchell seconded a motion to set Resolution No. 63, Series 2017 for public hearing for the November 6th meeting. **Motion passed.**

4) Resolution No. 64, Series 2017 - A Resolution of the Crested Butte Town Council Adopting the Budget and Appropriating Sums of Money for the Town of Crested Butte, Colorado for the Fiscal Year Beginning the First Day Of January 2018, and Ending the Last Day of December 2018, Estimating the Amount of Money Necessary to be Derived from Revenue Sources, and Setting Forth the Total Estimated Expenditures for Each Fund.

Mitchell moved and Ladoulis seconded a motion to set Resolution No. 64, Series 2017 to public hearing on November 6th. **Motion passed.**

Schmidt brought forth the topic of the community grants. He mentioned there were grants that had been cut out altogether. They had about \$84K to grant, and the requests were about \$173K. Rozman commended Ladoulis and Schmidt. Ladoulis recalled challenging decision points they had. Many of the grant requests were generic, and he thought it would be easier if they had grant criteria. Schmidt pointed out they did not fund the Butte Bucks program, the Crested Butte Library to build a garden, and the Gunnison Valley Post-Partum Depression group. He reviewed amounts that had been granted and requested. Ladoulis explained the reasoning behind the Butte Bucks program not being funded.

5) Ordinance No. 31, Series 2017 - An Ordinance of the Crested Butte Town Council Amending Section 13-1-110 of the Crested Butte Municipal Code to Increase the System Development Fees, Otherwise Known as "Tap-In Fees", to \$8,100 Per EQR for Water and \$9,900 Per EQR for Sewer; Amending Section 13-1-120 of the Code to Increase the Minimum Monthly Service Charge Per Meter for Water Used at a "Base Rate" to \$28.00 Per Month Per EQR and to Increase the Rates for Water Use Above the "Base Allotment" to \$3.50 Per 1,000 Gallons for the First 5,000 Gallon Block, \$3.75 Per 1,000 Gallons for the Second 5,000 Gallon Block, \$4.00 Per 1,000 Gallons for the Third 5,000 Gallon Block, \$4.25 Per 1,000 Gallons for the Fourth 5,000 Gallon Block, \$4.75 Per 1,000 Gallons for the Fifth 5,000 Gallon Block and \$5.50 Per 1,000 Gallons Thereafter; Amending Section 13-1-150 of the Crested Butte Municipal Code to Increase the Monthly Service Charge for Sewer Service to \$37.50 Per Month Per EQR.

Mason read the title of the ordinance. He explained the ordinance set new fees for water and sewer. Rozman stated that without the increase there would be a significant loss in both water and sewer funds. Staff tried to do smaller adjustments. Ladoulis confirmed it was not a profit center. Merck questioned where Town was compared to other entities.

Schmidt moved and Ladoulis seconded a motion to set Ordinance No. 31, Series 2017 for public hearing at the November 6th meeting. **Motion passed.**

6) Discussion and Possible Authorization for Increasing Levels of Compensation for Services by the Chairman and Members of the Board of Zoning and Architectural Review.

Yerman explained it had been 20 years since the last compensation increase for BOZAR members, and this year had been taxing to the board. Yerman reviewed the existing and recommended compensation. Ladoulis confirmed the increase was contemplated in the budget. There was discussion focused on the compensation for the chair.

Merck moved and Ladoulis seconded a motion to raise the BOZAR's compensation as noticed in the staff report. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

7) Appointment of a Member to the Gunnison County Sustainable Tourism and Outdoor Recreation Committee.

Yerman said they were looking for a Council member to serve on the committee. Ladoulis wondered if the first meeting would be after November 7th. MacDonald said they could wait for the new Council to be seated. Mason suggested an interim. Merck volunteered. Schmidt was concerned the scope of the committee would dilute the emphasis on trails. Yerman said representatives from the Trails Committee would be carrying over, and they would take a holistic approach to outdoor recreation.

Mitchell moved and Schmidt seconded a motion to set Paul Merck as the interim representative for the Sustainable Tourism and Outdoor Recreation Committee. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

LEGAL MATTERS

Green outlined work being done for the Town such as:

- Sullivan and Green had been spending time on Brush Creek and Cypress issues.
- She updated on what special counsel for water, Scott Miller, had been doing.
- The ditch relocation agreement was finalized.
- The resolution of the McCormick Ditch civil lawsuit was set for mediation.
- The Town filed responses on the McCormick Ditch change cases. The case was proceeding on track. She had not yet heard from objectors.
- They had been working on options for seasonal use of the Town's Lake Irwin water.

COUNCIL REPORTS AND COMMITTEE UPDATES

Paul Merck

- Toured the Center for the Arts building. He recapped what they had done so far. A lot of concrete had been poured. The height was not where it was going to be. Thanked Staff for their work.

Laura Mitchell

- Attended the celebration for Indigenous Peoples' Day at the Museum.

Jim Schmidt

- The Land Preservation Board met. They voted to fund a grant that involved five different properties.
- Had a housing meeting on the 11th. Jennifer Kermode wrote a letter as a referral agency on the Brush Creek Proposal. The Housing Authority was there and able to administer.
- Worked with the Grant Committee last week.

Jackson Petito

- He would attend a Housing Foundation meeting this week.
- Thanked the members of the Parking Committee.

Chris Ladoulis

- Attended Parking Committee and Grant Committee meetings.

Roland Mason

- Would have Mountain Express and RTA meetings this week.
- Attended Air Command meeting this morning. Summer air service was down from last year, and they discussed the idea of stopping with promoting summers. One of the reasons they decided to subsidize summer was to keep the connectivity between the Gunnison airport and the rest of the world. There would be a plan coming in from United this spring.

OTHER BUSINESS TO COME BEFORE THE COUNCIL

Mason updated the Council that Ladoulis wanted to discuss Resolution No. 65, a resolution of the Crested Butte Town Council declaring its opposition to the sale of the Brush Creek Parcel ("The Parking Lot Parcel"), and Mason explained the purpose of the resolution. Ladoulis provided background behind the reason for his proposed resolution, including the direction to Staff to draft and send a letter to the other parties in the MOU on Brush Creek. The County ignored the Town's letter and proceeded to send a draft sales agreement to Gatesco. All of Crested Butte's influence would be rendered moot or forced into legal proceedings. He wanted to be prepared to talk about it during open session, and he wanted the resolution to memorialize the elements of the letter that were sent. They could respond by inaction, they could respond by accepting, or they could

keep pushing. They could make their prior statements more formal and could affect their position at the table.

MacDonald and Green had looked at the resolution. Green said they could talk about the resolution now and waive attorney-client privilege, or they could go into Executive Session with attorney-client privilege. The Council decided to go into Executive Session.

DISCUSSION OF SCHEDULING FUTURE WORK SESSION TOPICS AND COUNCIL MEETING SCHEDULE

- Monday, November 6, 2017 - 6:00PM Work Session - 7:00PM Regular Council
- Monday, November 20, 2017 - 6:00PM Work Session - 7:00PM Regular Council
- Monday, December 4, 2017 - 6:00PM Work Session - 7:00PM Regular Council

None

EXECUTIVE SESSION

Mason read the reason for Executive Session:

For a conference with the Town Attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b) regarding the proposed Brush Creek project.

Merck moved and Mitchell seconded a motion to go into Executive Session. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

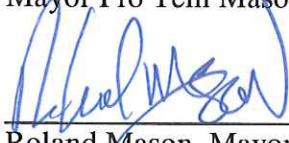
The Council went into Executive Session at 9:21PM. The Council returned to open meeting at 10:33PM. Mayor Pro Tem Mason made the required announcement before returning to open meeting.

Mason reiterated that Ladoulis brought forth the proposed resolution, and the Council received legal advice in Executive Session. Mitchell wanted to wait to vote on the resolution until MacDonald met with Gary Gates, and they could have a special meeting after. Merck wanted to wait to come with something from the Council. Petito would vote affirmatively on the resolution now, amended or unamended. Ladoulis confirmed they received legal advice. The most important thing to convey was they felt Town should have a seat at the table. Schmidt could support the resolution with some amendments. He was agreeable to scheduling a special meeting next Monday.

Schmidt moved and Petito seconded a motion to set a special meeting for Monday the 23rd at 6PM to discuss Resolution No. 65, including possible amendments. A roll call vote was taken with all voting, "Yes," except Merck voted, "No." **Motion passed.**

ADJOURNMENT

Mayor Pro Tem Mason adjourned the meeting at 10:37PM.



Roland Mason, Mayor Pro Tem



Lynelle Stanford, Town Clerk

(SEAL)

